

REMARKS/ARGUMENTS

Re-examination and favorable reconsideration in light of the above amendments and the following comments are respectfully requested.

Claims 1 - 3, 5, 6, 8 - 18, and 20 - 27 are pending in the application. Currently, claims 1 - 3, 5, 6, and 8 - 18 stand rejected and claims 20 - 27 stand withdrawn from consideration.

By the present amendment, withdrawn claims 20 - 27 have been cancelled without prejudice. Applicant will file a divisional application to these claims. Further, claim 11 has been amended to include the subject matter of claim 16. As a result, claim 16 has been cancelled.

In the office action mailed May 4, 2005, claims 1 - 3, 5, and 8 - 10 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. patent publication no. 2004/0119237 to Datta; claims 11, 12, and 14 - 18 were rejected under 35 U.S.C. 103(a) as being unpatentable over Datta in view of U.S. Patent No. 5,704,760 to Bouchard; and claims 6 and 13 were rejected under 35 U.S.C. 103(a) as being unpatentable over Datta alone and Datta in view of Bouchard and further as a matter of optimization.

The foregoing rejections are traversed by the instant response.

The rejection of claims 1 - 3, 5, and 8 - 10 on obviousness grounds over Datta is defective for two reasons. First, the Examiner has merely set forth a conclusion that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to modify FIG. 15 of Datta with the bristles of the second embodiment shown in FIG. 16 in order to utilize the second embodiment as disclosed. The Examiner has not set forth any reason why the second embodiment in Datta could not be used as disclosed. The Examiner has also not set forth

any statement as to what would teach or suggest one of ordinary skill in the art to modify the embodiment of FIG. 15 by the embodiment of FIG. 16 given the fact that both embodiments can be used precisely as described. Clearly, Datta did not think of such a modification. Still further, the Examiner has failed to set forth any statement of the motivation for making such a modification to the embodiment of FIG. 15 - thus, the Examiner has failed to comply with the existing case law on obviousness. Second, even if one of ordinary skill in the art were to make the proposed modification, one would not arrive at the invention set forth in claim 1.

Claim 1 includes the following limitation: "a second set of bristles between said first set of bristles and said side plate, said second set of bristles having a length and abutting said first set of bristles at a point *adjacent a joint between said back plate and said side plate and substantially along said length.*" In applying the Datta reference, the Examiner takes the position that the back plate is the plate to the right of the bristles and that the side plate is the plate to the left of the bristles. The two plates are joined together along a line at the top and extending down a portion of the side of the left plate. The second set of bristles in Datta are the left set of bristles. As can be seen from Fig. 15 in Datta, the second set of bristles do not abut the first set of bristles at a point adjacent the joint between the back plate and the side plate. In fact, the left set of bristles never abuts the right set of bristles at anything that can be called a joint between a back plate and a side plate because they are separated by the rails between the two sets of bristles. Still further, it can be clearly seen from both Figs. 15 and 16 that the second set of bristles do not abut the first set of bristles substantially along the length of the second set of bristles. The only point

at which the second set of bristles abuts the first set of bristles is at the very end. This does not meet the claim limitation. Still further, the Examiner set forth no teaching or suggestion or motivation for one of ordinary skill in the art to arrive at this claimed structure. For these reasons, claim 1 is allowable over Datta.

Claims 2, 3, 5, and 8 - 10 are allowable for the same reasons as claim 1 as well as on their own accord. For example, Datta does not teach or suggest the subject matter of either claim 8 or claim 10. There is no teaching or suggestion in Datta of the second set of bristles extending at least to the back plate and/or a windage cover in addition to the side plate.

With regard to the rejection of claims 11, 12, and 14 - 18 over Datta in view of Bouchard, this rejection is now moot in view of the amendment to claim 11. Neither Datta nor Bouchard teaches or suggests a windage cover attached to said side plate, which windage cover is spaced from the set of non-contacting bristles.

With regard to the rejection of claims 6 and 13 on obviousness grounds, these claims are allowable for the same reasons as their parent claims. These claims are further allowable because none of the cited and applied references teach or suggest the claimed difference between the first and second lay angles. Nor has the Examiner set forth any motivation for one of ordinary skill in the art to arrive at the claimed difference. Even if one of ordinary skill in the art were to try and optimize the structure, there still needs to be something in the prior art which teaches or suggests a direction which would lead to the claimed subject matter. The Examiner has not cited any such teaching or suggestion.

For the foregoing reasons, the instant application is believed to be in condition for allowance. Such allowance is respectfully solicited.

Entry of the instant amendment appears to be in order since it does not raise any issue which would require further consideration and/or search on the part of the Examiner. For example, the Examiner has already considered and searched windage covers. Still further, the instant amendment does not raise any issue of new matter and reduces the issues for appeal.

Attached hereto is a Notice of Appeal in the event that the Examiner maintains the rejections of record.

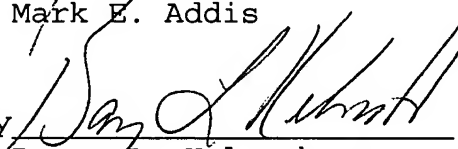
Should the Examiner believe an additional amendment is needed to place the case in condition for allowance, he is hereby invited to contact Applicant's attorney at the telephone number listed below.

The Director is hereby authorized to charge the Notice of Appeal fee of \$500.00 to Deposit Account No. 21-0279. Should the Director determine that an additional fee is due, he is hereby authorized to charge said fee to said Deposit Account.

Respectfully submitted,

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I, Nicole Motzer, hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313" on August 3, 2005.

